

By: Representative Hines

To: Education

HOUSE BILL NO. 68

1 AN ACT TO AMEND SECTION 37-11-53, MISSISSIPPI CODE OF 1972,
 2 TO REQUIRE SCHOOL DISTRICTS TO ALLOW ANY PUBLIC SCHOOL STUDENT WHO
 3 HAS NEVER BEEN SUBJECT TO DISCIPLINARY ACTION WHO COMMITS AN ACT
 4 OR ENGAGES IN CONDUCT FOR WHICH THE STUDENT OTHERWISE WOULD BE
 5 SUSPENDED OR EXPELLED UNDER THE SCHOOL DISTRICT'S DISCIPLINE PLAN,
 6 AT THE ELECTION OF THE STUDENT, TO PARTICIPATE IN A COMMUNITY
 7 SERVICE PROGRAM AS AN ALTERNATIVE TO SUSPENSION OR EXPULSION; TO
 8 PROVIDE THAT WHILE PARTICIPATING IN THE PROGRAM, THE STUDENT SHALL
 9 RECEIVE YOUTH PEER COUNSELING DEEMED APPROPRIATE BY THE SCHOOL
 10 DISTRICT; AND FOR RELATED PURPOSES.

11 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

12 **SECTION 1.** Section 37-11-53, Mississippi Code of 1972, is
 13 amended as follows:

14 37-11-53. (1) A copy of the school district's discipline
 15 plan shall be distributed to each student enrolled in the
 16 district, and the parents, guardian or custodian of * * * each
 17 student shall sign a statement verifying that they have been given
 18 notice of the discipline policies of their respective school
 19 district. The school board shall have its official discipline
 20 plan and code of student conduct legally audited on an annual
 21 basis to insure that its policies and procedures are currently in
 22 compliance with applicable statutes, case law and state and



23 federal constitutional provisions. * * * The provisions of this
24 section, Section 37-11-55 and Section 37-11-18.1 shall be fully
25 incorporated into the school district's discipline plan and code
26 of student conduct.

27 (2) All discipline plans of school districts shall include,
28 but not be limited to, the following:

29 (a) A parent, guardian or custodian of a
30 compulsory-school-age child enrolled in a public school district
31 shall be responsible financially for his or her minor child's
32 destructive acts against school property or persons;

33 (b) A parent, guardian or custodian of a
34 compulsory-school-age child enrolled in a public school district
35 may be requested to appear at school by the school attendance
36 officer or an appropriate school official for a conference
37 regarding acts of the child specified in paragraph (a) of this
38 subsection, or for any other discipline conference regarding the
39 acts of the child;

40 (c) Any parent, guardian or custodian of a
41 compulsory-school-age child enrolled in a school district who
42 refuses or willfully fails to attend * * * the discipline
43 conference specified in paragraph (b) of this * * * subsection may
44 be summoned by proper notification by the local superintendent of
45 schools or the school attendance officer and be required to
46 attend * * * the discipline conference; and



47 (d) A parent, guardian or custodian of a
48 compulsory-school-age child enrolled in a public school district
49 shall be responsible for any criminal fines brought against * * *
50 the student for unlawful activity occurring on school grounds or
51 buses.

52 (3) Any parent, guardian or custodian of a
53 compulsory-school-age child who (a) fails to attend a discipline
54 conference to which * * * the parent, guardian or custodian has
55 been summoned under * * * this section, or (b) refuses or
56 willfully fails to perform any other duties imposed upon him or
57 her under * * * this section, shall be guilty of a misdemeanor
58 and, upon conviction, shall be fined an amount not to exceed Two
59 Hundred Fifty Dollars (\$250.00).

60 (4) Any public school district shall be entitled to recover
61 damages in an amount not to exceed Twenty Thousand Dollars
62 (\$20,000.00), plus necessary court costs, from the parents of any
63 minor under the age of eighteen (18) years and over the age of six
64 (6) years, who maliciously and willfully damages or destroys
65 property belonging to * * * that school district. However, this
66 section shall not apply to parents whose parental control of * * *
67 their child has been removed by court order or decree. The action
68 authorized in this * * * subsection shall be in addition to all
69 other actions * * * that the school district is entitled to
70 maintain and nothing in this section shall preclude recovery in a
71 greater amount from the minor or from a person, including the



72 parents, for damages * * * for which * * * the minor or other
73 person would otherwise be liable.

74 (5) A school district's discipline plan may provide that as
75 an alternative to suspension, a student may remain in school by
76 having the parent, guardian or custodian, with the consent of the
77 student's teacher or teachers, attend class with the student for a
78 period of time specifically agreed upon by the reporting teacher
79 and school principal. If the parent, guardian or custodian does
80 not agree to attend class with the student or fails to attend
81 class with the student, the student shall be suspended in
82 accordance with the code of student conduct and discipline
83 policies of the school district.

84 (6) If a student who has never been subject to disciplinary
85 action commits an act or engages in conduct for which the student
86 otherwise would be suspended or expelled under the school
87 district's discipline plan, as an alternative to suspension or
88 expulsion, the student may be permitted, at the election of the
89 student, to participate in a community service program of at least
90 forty (40) hours in duration supervised by the school district or
91 a nonprofit organization that has a collaborative relationship
92 with the school district. While participating in the program, the
93 student may receive youth peer counseling deemed appropriate by
94 the school district.

95 **SECTION 2.** This act shall take effect and be in force from
96 and after July 1, 2018.

